

GOVERNMENT OF TELANGANA
ABSTRACT

R&B – Khammam District - Sanction of an amount of Rs.85,00,000/- towards payment of Land compensation and publication charges to the land owners for acquiring the land for the formation of Burgampahad – Eturnagaram road in Khammam District-C.C.No.1653 of 2013 in W.P.No. 22503 of 2012 filed before Hon'ble High Court - Orders of Hon'ble Supreme Court of India in SLP.No.34928/2013, dt. 25.11.2013, – Accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (ROADS.II) DEPARTMENT

G.O.RT.No. 36.

Dated:4/09/2014

Read the following :-

1. From the Engineer-in-Chief (R&B) Roads, Hyderabad, Lr.No.17883/EE(T)/DEE5/AEE4/2012, dated 18-11-2013, 03.01.2014, 21.05.2014 and 27.06.2013.
2. Govt.Memo.No.9570/R.III/A1/2013, Dt.22.08.2013.

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ORDER:

During 1975 to 1980, the Government has acquired land to an extent of A.C 9-10 guntas of Bayyaram village, Pinapaka(M), Khammam Dist. under section 4(1) of L.A Act, 1894 for formation of the road to Burgampad to Eturunagaram. As no compensation was paid to the Land Owner , Sri Gundu Narasimha Rao, S/o Late Smmaiah and (7) others have filed W.P.No.22503/2012 in A.P.H.C declaring the order in R.CNo.A8/A1/LA 2008-09 dt.08/05/09 passed by E.E(R&B)Divison, Bhadrachalam as illegal abuse of Power and to direct the respondents to pay the compensation under the Provisions of the L.A Act to the Petitioners.

2. In the reference first read above, the Engineer-in-Chief (R&B) Admn & State Roads, Hyderabad has informed that the Hon'ble High Court have given an order in W.P.No. 22503 of 2012. The order of the Hon'ble High Court is that:

"a Mandamus shall issue to the respondents (1. Govt. of A.P represented by Dist. Collector, Khammam, 2. Special Deputy Collector, IPT & Rlys, Khammam, 3. Executive Engineer (R&B), Bhadrachalam, & 4. Engineer-in-Chief(R&B) Roads,) to issue a fresh notification under Section 4(1) of the Act in respect of the petitioners lands within a period of two months from the date of receipt of this order, complete the land acquisition proceedings and pass award by determining compensation to the petitioners taking the market value prevailing as on the date of issuance of the notification within two months thereafter."

3. The District Collector, Khammam has filed the W.A.NO.863 of 2013 in W.P.No.22503/12 and the same was dismissed by the High Court order, Dt. 14.6.13.

4. The Engineer-in-Chief (R&B) Admn. & State Roads, Hyderabad has further stated that, based on the opinion of Government Pleader for TR&B, APHC, Hyd., Government have permitted the Executive Engineer(R&B)Badrachalam Division to file SLP against the Judgment in W.A.No.863/2013 dt.24-06-2013 in W.P.No. 22503 of 2012 and was directed to take expeditious steps to file SLP before the Hon'ble Supreme Court of India vide reference 2nd read above Accordingly, a SLP was filed in Hon'ble Supreme Court of India, vide S.L.P (civil) No.34928 of 2013 dt. 11-11-2013. Meanwhile the petitioners have filed CC No.1653 of 2013 in the Hon'ble High Court and the Court has ordered that:

"In view of the submission made by the learned Assistant Govt. Pleader that on his part, respondent No.2, the Special Deputy Collector, IPT & Rlys, Khammam addressed letter in Rc.No. A/129/2004 dt.09-04-2013, to respondent No.3, to deposit the amount for the purpose of initiating land acquisition proceedings in compliance with the order dt. 25-02-2013, of this court in W.P.No.22503 of 2012, the amount has not been deposited disabling the respondent No.1 and 2 (District Collector, Khammam & Special Deputy Collector, IPT & Rlys, Khammam) from initiating land acquisition proceedings, the contempt case is admitted qua respondent nos. 3 and 4 (Executive Engineer (R&B), Bhadrachalam & Engineer-in-Chief (R&B) Roads) for the time being." and directed the respondent nos. 3 and 4 to attend the Hon'ble High Court in person on 28-10-2013 & 18-11-2013.

5. The Engineer-in-Chief (R&B) Admn & SR, Hyderabad has further reported that while complying the orders of High Court an amount of Rs. 2,00,000/- was deposited by the Executive Engineer (R&B) Division, Khammam vide D.D.No.E 639766, dated 26.09.1975 to the Land Acquisition Officer, Khammam. The Special Deputy Collector, IPT & Rlys, Khammam has requested to deposit funds of Rs.85,00,000/- towards land compensation and Publication charges.

6. The Engineer-in-Chief (R&B) State Roads, Hyderabad in his letter, dt. 3.1.2014, has stated that Hon'ble Supreme Court of India while dismissing the SLP No. 34928/2013 in it's order, dt. 25.11.2013 has ordered as follows:

"the petitioners shall now complete the acquisition proceedings and pay compensation to the Respondents within a period of six months from today".

7. The Engineer-in-Chief (R&B) State Roads, Hyderabad has therefore requested to sanction Rs.85,00,000/- so as to deposit towards land compensation and publication charges to the land owners for acquiring the land for the formation of Burgampad – Eturunagarm road in Khammam District in C.C.No.1653 of 2013 in W.P.No. 22503 of 2012 filed before Hon'ble High Court and as per the orders of Hon'ble S.C of India in SLP.No.34928/2013, dt. 25.11.2013.

8. After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 85,00,000/- (Rupees Eighty Five lakhs only) towards payment of Land compensation and publication charges to the land owners for acquiring the land for under section 4(1) of L.A Act, 1894 for formation of Burgampahad – Eturnagaram road in Khammam District in order to comply the orders of Hon'ble H.C in C.C.No.1653 of 2013 in W.P.No. 22503 of 2012 filed before Hon'ble High Court and as per the orders of Hon'ble Supreme Court of India in SLP.No.34928/2013, dt. 25.11.2013.

9. The amount sanctioned in Para (8) above shall be debited to the Head of Account "5054 – COL on Roads and Bridges, 04 – District & Other Roads - MH – 800 – Other Expenditure - GH - 11 – Normal State Plan – SH – (07) – Major District Roads – 530 – Major works – 532 – Lands (charged)" .

10. The Engineer-in-Chief (R&B) State Roads, Hyderabad shall take necessary further action accordingly.

11. The Engineer-in-Chief (R&B) State Roads, Hyderabad shall also send necessary proposals to Finance (BG.I) Department at an appropriate time during the current financial year 2014-15 for obtaining Supplementary Grant.

12. This order issues with the concurrence of Finance (Expr.PW) Department vide their U.O.No.2086/33/A1/EBS-X/2014, Dt.22 -8-2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT(FAC)**

To

The Engineer-in-Chief (R&B) State Roads, Hyderabad.

Copy to:-

The Superintending Engineer (R&B) Khammam District.

The P.S to Principal Secretary to C.M

The P.S to Principal Secretary, TR&B Department.

The Finance (EBS.X) Department

The Accountant General, Telangana State, Hyderabad

The Pay and Accounts Officer, Hyderabad

The Director of works & Accounts, Telangana State, Hyd.

//FORWARDED BY ORDER//

SECTION OFFICER